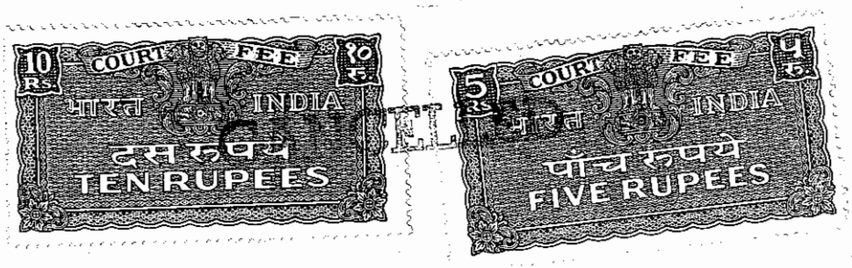
(3)




First

P. R. No. 211/03
Presented by Shri Amly. A. Tiwari
dated 23.01.03

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.No. 321 /2002

APPELLANT : Oriental Assurance Company Ltd.,
Defendant No.3 Divisional Office, PB No. 46, Medical College Road Raipur, Through its Divisional Manager, Bilaspur, High Court Road, Bilaspur (C.G.).

-Versus-

RESPONDENT : 1. Must. Sushila Bai , 40 years,
Claimant No.1 Wd/o Late Jhamlal Maikhle.

RESPONDENT : 2. Must. Jyanti Bai, 28 years,
Claimant No.2 Wd/o Late Jhamlal Maikhle.

RESPONDENT : 3. Ku. Jyoti, 9 years,
Claimant No.3 D/o Late Jhamlal Maikhle.

RESPONDENT : 4. Jaya Prakash, 7 years,
Claimant No.4 S/o Late Jhamlal Maikhle.

RESONDENT : 5. Ku. Roshni, 4 years,
Claimant No.5 D/o Late Jhamlal Maikhle.

RESPONDENT : 6. Ku. Seema, 2 years,
Claimant No.6 D/o Late Jhamlal Maikhle.
Respondents No. 3 to 6 are minor Through their guardian mother Smt. Jyanti Bai Wd/o Late Jhamlal Maikhle, All resident of Kathoutal, P.S. and Tehsil- Lormi, Bilaspur (C.G.)

RESPONDENT : 7. Mohammed Yusuf S/ Mohammed
Defendant No.1 Hussein, aged about 65 years, R/o Near Railway Station, Naya Para, Rajim, Distt. Raipur.
-Owner-

RESPONDENT : 8. Shri Chandulal Sahu S/o Puneetram
Defendant No.2 Sahu, aged about 30 years, R/o Kishan Para, Nava Para (Rajim), P.S. Gobra, Nava Para, Distt. Raipur.
-Driver-

**APPEAL U/S 173 OF THE MOTOR VEHICLES ACT, 1988.**

(39)

X-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.NO.321/03 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|---|---|---|
| | **Division Bench :**<br>**Hon.Shri Fakhruddin, J. &**<br>**Hon.Shri L.C. Bhadoo, J.**<br>**01-11-2004**<br><br>Appellant/s by Shri Vinay Pandey, Adv.<br><br>The case is listed for orders on defaults.<br><br>Learned counsel for the appellant/s prays for time to remove the defaults.<br><br>As prayed, two weeks time is granted to remove the defaults.<br><br>If the defaults are not removed within the stipulated time the appeal shall be dismissed automatically without further reference to the Bench.<br><br>**Sd/-**<br>**Fakhruddin**<br>**Judge**<br><br>**Sd/-**<br>**L.C.BHADOO**<br>**Judge** | |

(35)

COURT FEE

XV-OR-15

M-A-321/03

On 01/11/2004 matter was listed before the Hon'ble Bench for orders on default raised by the office vide note dated 25/01/2003.

The Hon'ble Court directed the appellant to remove the default within two weeks, if defaults are not remove within the stipulated period the appeal shall be dismissed automatically without further reference to the Bench.

From the note of Filing Clerk dated 17/11/2004 and note of DA dated 18/11/2004, it is apparent that the appellant has not removed the default. Therefore, in view of the pre-emptory order dated 01/11/2004 the appeal automatically stood dismissed. Counsel be informed accordingly.

Sd/-
A.R (J)

2004

DA